

Message Text

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53

ACTION PM-07

INFO OCT-01 EA-11 ADP-00 SS-15 L-03 NSC-10 CIAE-00 INR-10

NSAE-00 RSC-01 OMB-01 SSO-00 NSCE-00 USIE-00 INRE-00

RSR-01 /060 W

----- 076957

O 281640 Z JUN 73

FM AMEMBASSY TOKYO

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CNO WASHDC IMMEDIATE

CINCPAC CP H M SMITH HI IMMEDIATE

CINCPACFLT PEARL HARBOR HI IMMEDIATE

COMUSJAPAN FUCHU IMMEDIATE

COMUSARJ CP ZAMA IMMEDIATE

COMNAVFORJAPAN YOKOSUKA IMMEDIATE

COMSEVENTHFLT YOKOSUKA IMMEDIATE

COMSCFE YOKOHAMA IMMEDIATE

C O N F I D E N T I A L TOKYO 8174

E. O. 11652: GDS

TAGS: MARR JA US

SUBJ: JAPANESE MARITIME TRAFFIC SAFETY LAW (MTSL)

REF: A. STATE 120996 DTG 211350 Z JUN 73

B. TOKYO 7839 DTG 220547 Z JUN 73

C. TOKYO 3608 DTG 270850 Z MARCH 73

1. FOLLOWING IS PRESENT STATUS OF US- GOJ UNDERSTANDING REGARDING
APPLICATION OF GOJ MARITIME TRAFFIC SAFETY LAW TO US FORCES
VESSELS EFFECTIVE JULY 1, 1973:

A. GOJ HAS OFFICIALLY EXEMPTED DANGEROUS CARGO CARRIERS FROM
APPLICATION OF THE LAW. THIS COMMITMENT WAS CONVEYED TO US IN
GOJ MEMORANDUM TO JOINT COMMITTEE OF JUNE 28, 1973 REPLYING TO
OUR JOINT COMMITTEE MEMORANDUM OF MAY 31, 1973 (REF B). GOJ
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MEMORANDUM READS IN PART AS FOLLOWS: QTE: US FORCES JAPAN IS
INFORMED THAT ALL THE PROVISIONS OF THE LAW RELATING TO CONTROL
OF VESSELS CARRYING DANGEROUS CARGO SUCH AS ARTICLES 22,
23, AND 27 WILL NOT BE APPLICABLE TO US FORCES CONTROLLED

VESSELS. UNQTE.

B. GOJ INFORMED US THAT AMMUNITION SHIPS AND OIL TANKERS ARE CONSIDERED TO BE DANGEROUS CARGO CARRIERS UNDER TERMS OF MINISTERIAL ORDINANCE ARTICLE 11. CONSEQUENTLY AMMUNITION SHIPS AND OIL TANKERS ARE ALSO EXEMPT FROM THE LAW, EXCEPT AS EXPLAINED BELOW.

C. IN ROUTINE OPERATIONS, ONLY US FORCES SHIPS WHICH ARE NOT EXEMPTED FROM MARITIME LAW ARE " HUGE VESSELS" (LONGER THAN 200 METERS). MSA HAS IMPRESSION THAT AIRCRAFT CARRIERS ARE THE ONLY FIGHTING SHIPS FALLING IN " HUGE" CATEGORY WHICH REGULARLY CALL AT YOKOSUKA. SEVENTH FLEET FLAGSHIP " OKLAHOMA CITY", FOR EXAMPLE, IS LESS THAN 200 METERS LONG. AMMUNITION SHIPS AND OIL TANKERS WHICH ARE LONGER THAN 200 METERS ARE " HUGE VESSELS" AND THEREFORE ARE NOT RPT NOT EXEMPT. THE LATTER GOJ POSITION WAS CONVEYED TO US IN ORAL STATEMENT JUNE 28 BY GOJ JOINT COMMITTEE REPRESENTATIVE OKAWARA AT TIME OF PRESENTATION OF GOJ MEMO (PARA 1- A ABOVE). ORAL STATEMENT SAID IN PART: QTE: THOSE PROVISIONS SUCH AS ARTICLES 22, 23, AND 27 WILL BE APPLICABLE TO US FORCES CONTROLLED VESSELS TO THE EXTENT THEY RELATE TO THE REGULATION OF VESSELS OTHER THAN VESSELS CARRYING DANGEROUS CARGO. THEREFORE, IF WE TAKE EXAMPLE OF ARTICLE 27, IT WILL BE STILL APPLICABLE TO HUGE VESSELS OPERATED OR CONTROLLED BY US. UNQTE.

D. AFTER US " HUGE VESSELS" SEND NOTIFICATION TO MSA, THEY MAY NOT TRANSIT CHANNEL WITHOUT PRIOR ACKNOWLEDGEMENT FROM MSA, AS REPORTED PARA 3- D, REF C. FURTHERMORE, ARTICLE 23 OF LAW AND ARTICLE 15 OF MINISTERIAL ORDINANCE STATE THAT MSA " MAY" INSTRUCT MASTERS OF VESSELS TO MAKE ADJUSTMENTS, SUCH AS ALTER SCHEDULE OR COURSE, BUT THESE PROVISIONS EXPLICITLY STATE THAT SUCH INSTRUCTIONS ARE ISSUED ONLY " IN INTEREST OF PREVENTING POSSIBLE DANGER TO SHIP TRAFFIC."

E. IN CASE TWO OR MORE SHIPS ARE SCHEDULED USE CHANNEL AT SAME TIME, MSA AND FONOFF HAVE ASSURED EMBASSY THAT IF US HUGE VESSEL
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GIVES PRIOR NOTIFICATION ACCORDING TO LAW (I. E. BY NOON OF PRECEDING DAY), " MSA WILL IN PRINCIPLE MEET USN REQUIREMENTS (FOR PRIORITY USE OF CHANNEL) SINCE THERE WOULD BE AMPLE TIME FOR COORDINATION AND ADJUSTMENT OF SCHEDULES WITH OTHER SHIPS." IF US VESSEL GIVES " EMERGENCY NOTIFICATION" (I. E. AFTER NOON OF PRECEDING DAY) AS AUTHORIZED UNDER ORDINANCE ARTICLE 14-4, " MSA MAY ENCOUNTER DIFFICULTY IN ADJUSTING SCHEDULES TO MEET US REQUIREMENTS ON USE OF CHANNEL, BUT MSA WILL GIVE CONSIDERATION TO SUCH REQUEST." (FOREGOING WORDING IN QUOTES HAVE BEEN WORKED OUT WITH FONOFF AND MSA REPRESENTATIVES, SO THEY COULD FORM BASIS FOR WRITTEN US- GOJ UNDERSTANDING ON THESE POINTS, IF DESIRED BY DEPARTMENT). IN ANY EVENT, MSA STRONGLY BELIEVES THAT USN HUGE VESSELS ARE UNLIKELY TO ENCOUNTER DELAYS OF MORE THAN ONE HOUR IN

USE OF CHANNELS. MSA SURVEY SHOWED, FOR EXAMPLE, THAT AVERAGE OF ONLY 18 HUGE VESSELS HAVE TRANSITED URAGA CHANNEL IN 24- HOUR PERIOD DURING THREE DAYS SELECTED AT RANDOM IN AUGUST 1972. MSA SAID THAT USN VESSELS DO IN PRACTICE GO THROUGH INFORMAL NOTIFICATION- ACKNOWLEDGEMENT PROCEDURE AT PRESENT, I. E. USN SEEKS MSA CLEARANCE VIA YOKOSUKA PORT CONTROLLER PRIOR USE OF URAGA CHANNEL BY USN SHIPS. MSA DOES NOT BELIEVE USN IS ENCOUNTERING UNREASONABLE DELAYS.

F. RE NOTIFICATION ITEM-- DESCRIPTION OF CARGO-- GOJ SAID THAT ORDINANCE ARTICLE 13- (7) CALLS FOR DESCRIPTION OF ONLY DANGEROUS CARGO. SINCE US SHIPS CARRYING DANGEROUS CARGO ARE EXEMPTED FROM LAW, US SHIPS NEED NOT COMPLY WITH THIS ORDINANCE PRVISION.

G. RE NOTIFICATION ITEM-- DESTINATION OF VESSEL-- MSA' S PREVIOUS POSITION HAS BEEN THAT US HUGE VESSELS MAY, FOR SECURITY REASONS, SIMPLY DECLARE " DESTINATION UNKNOWN" IN ACCORDANCE WITH ORDINANCE ARTICLE 13 (5). EMBASSY HAS INSISTED THAT DESTINATION OF OUTGOING SHIPS HAS NOTHING TO DO WITH MARITIME TRAFFIC SAFETY OR MANAGEMENT, AND THEREFORE US SHIPS SHOULD BE COMPLETELY EXEMPT FROM THIS REQUIREMENT, OR MSA SHOULD ACCEPT DESTINATION AS " CLASSIFIED". WE ARE AWAITING MSA- FONOFF RESPONSE.

H. MSA HAS STATED CATEGORICALLY THAT IT WILL NOT BE ABLE EXEMPT US VESSELS FROM STATUTORY REQUIREMENT CONCERNING DISPLAY OF LIGHTS AND DAY SHAPE. MSA REMINDED US, HOWEVER, THAT ONLY US VESSELS REQUIRED TO DISPLAY THESE THINGS ARE HUGE VESSELS. THEY HAVE TO DISPLAY ONLY THREE RED LIGHTS POSITIONED VERTICALLY
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(THESE NEED NOT BE INSTALLED BUT MERELY HOISTED), OR DURING DAY- LIGHT HOURS, SHOW BLACK CYLINDRICAL SHAPE SIMILAR TO OIL DRUM.

2. EMBASSY, COMUSJAPAN, AND COMNAVFORJAPAN REPS MET AFTER- NOON JUNE 28 TO DISCUSS PRESENT CIRCUMSTANCES. AFTER MEETING, EMBASSY PRESSED GOJ FOR FURTHER CONCESSIONS ON PRIORITY HANDLING OF US VESSELS AND ON DESTINATION PROVISIONS. FROM OUR VANTAGE POINT (NAVY ADDRESSEES MAY WISH COMMENT), LIGHTING AND DAY SIGNAL REQUIREMENTS (PARA 1- H ABOVE) SEEM NOT TO BE AS BURDEN- SOME AS DESCRIBED PARA 5 REF A. IF NOT, WE MIGHT GAIN BARGAINING POINT BY INDICATING OUR WILLINGNESS ACCEPT THIS REQUIREMENT. REQUEST FURTHER DEPARTMENT GUIDANCE ASAP ON THIS POINT.

3. GOJ DECISION TO EXCLUDE US FROM PROVISIONS RELATING TO DANGEROUS CARGO HAS SOLVED MAJOR SECURITY CONCERN AND RESULTS IN EXEMPTION OF ALL BUT FEW USN VESSELS. IF WE CONTINUE DIS- CUSSIONS WITH GOJ ALONG THESE LINES, EMBASSY BELIEVES WE MAY BE ABLE IMPROVE REMAINING ISSUES TO POINT WHERE WE CAN COMPLY WITH STATUTE WITHOUT UNDUE BURDEN ON NAVY OPERATIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 10 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 28 JUN 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973TOKYO08174
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730635/abqcekvj.tel
Line Count: 163
Locator: TEXT ON-LINE
Office: ACTION PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A. STATE 120996 DTG 211350 Z JUN 73 B. TOKYO 7839 DTG 220547 Z JUN 73 C. TOKYO 3608 DTG 270850 Z MARCH 73
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 09 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Nov-2001 by elyme>; APPROVED <17-Dec-2001 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 980310
Subject: JAPANESE MARITIME TRAFFIC SAFETY LAW (MTSL)
TAGS: MARR, JA, US
To: STATE NIACT INFO SECDEF
JCS
CNO
CINCPAC CP H M SMITH HI
CINCPACFLT PEARL HARBOR HI
COMUSJAPAN FUCHU
COMUSARJ CP ZAMA

COMNAVFORJAPAN YOKOSUKA
COMSEVENTHFLT YOKOSUKA
COMSCFE YOKOHAMA

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005